

EXHIBIT 1

1
2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 SAN FRANCISCO DIVISION

5 -----x
6 IN RE GOOGLE PLAY STORE ANTITRUST
7 LITIGATION

8
9 Case No. 3:21-md-02981-JD

10 THIS DOCUMENT RELATES TO:
11 Epic Games Inc. v. Google LLC, et al.
12 Case No.: 3:20-cv-05671-JD

13 In re Google Play Consumer Antitrust
14 Litigation
15 Case No.: 3:20-cv-05761-JD

16 In re Google Play Developer Antitrust
17 Litigation
18 Case No.: 3:20-cv-05792-JD

19 State of Utah, et al. v. Google LLC, et
20 al.
21 Case No.: 3:21-cv-05227-JD

22 -----x

23
24 ** HIGHLY CONFIDENTIAL **
25 REMOTE VIDEOTAPED DEPOSITION OF
PATRICK BRADY
April 21, 2022

Reported By:
ERIC J. FINZ

1 BRADY - Highly Confidential
2 financially interested in the
3 outcome.

4 Counsel attending remotely
5 will be noted on the stenographic
6 record. Will the court reporter
7 please swear in the witness.

8 PATRICK BRADY,
9 having been first duly sworn by the
10 Notary Public (Eric J. Finz), was
11 examined and testified as follows:

12 THE VIDEOGRAPHER: Thank you.
13 We may proceed.

14 EXAMINATION BY
15 MR. BENEDICT:

16 Q. Good morning, Mr. Brady. We
17 met off the record a moment ago. I'm
18 Brendan Benedict for the Utah Office of
19 the Attorney General. With me today is
20 Maria Martin of the Nevada Office of the
21 Attorney General.

22 Can you please state your full
23 name for the record?

24 A. Yes. Patrick Brady.

25 Q. And where are you sitting

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2 your email here, you see at the top,
3 "Some follow-up explanations below as
4 some have asked. Patrick," and then
5 there is an explanation that follows.

6 Do you see that?

7 A. I do.

8 Q. And there is a bolded heading
9 here that says, "Android is not a Google
10 product."

11 Do you see that?

12 A. I do.

13 Q. And it says below that,
14 "Android is not a Google product, it's an
15 open source mobile platform that happens
16 to have a large number of contributors
17 who happen to work for Google," and then
18 it continues.

19 Do you see that you wrote
20 that?

21 A. I do.

22 Q. And what did you mean when you
23 said Android is an open source mobile
24 platform?

25 A. I meant that Android was a

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2 mobile operating system that was provided
3 as open source software to run on mobile
4 phones.

5 Q. And it was provided open
6 source under the Apache license. Do you
7 recall that?

8 A. Primarily under the Apache
9 license. There is a number of licenses
10 for different components in the open
11 source distribution.

12 Q. Understanding that parts of
13 the Linux curl are licensed under
14 something separate. Right?

15 A. Correct. And there are other
16 components that are licensed under a
17 different license. But the primary
18 license for Android would have been
19 Apache, yes.

20 Q. Okay. And then there is a
21 heading below that that says, where you
22 wrote, quote, "Android does not include
23 Google's special sauce."

24 Do you see that?

25 A. I do.

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2 Q. And then it sets out Google
3 Mobile Services with some of the apps
4 that are listed there. Right?

5 A. It does.

6 Q. And Google Mobile Services and
7 these apps were what Google was licensing
8 to OEMs under the MADA. Correct?

9 A. That is correct.

10 Q. Now, in the paragraph below
11 that you write, "Most partners don't just
12 want Android for Android, they want
13 Android with GMS because this is a much
14 more compelling product."

15 Do you see that?

16 A. I do.

17 Q. Why did you believe that GMS
18 was a much more compelling product than
19 Android?

20 MS. CURRAN-HUBERTY: Object to
21 form.

22 A. I don't think that's an
23 accurate representation of what I said.
24 I didn't say GMS is more compelling than
25 Android. I said Android with GMS is more

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2 became of it after.

3 Q. Are there any lawyers on this
4 email chain?

5 A. Yes.

6 Q. Is that Mr. Moss?

7 A. Yes.

8 (Simultaneous crosstalk.)

9 A. -- he was a lawyer, anyway.

10 Q. Did you seek Mr. Moss's
11 counsel when you sent your email?

12 A. I don't think -- I mean, yes.
13 I think I was generally sharing this and
14 providing a recommendation. Looking for
15 feedback. I think after -- and copying
16 Tom, who is acting as the attorney in
17 this case. And, you know, I think after
18 Andy responded, it was -- well, actually,
19 no. I think -- sorry, I take that back.
20 It looks like Jennie added Tom later to
21 the thread. So probably I did not send
22 it to Tom initially.

23 Q. Okay. Right.

24 Now, it was true that at some
25 point in time Google required, as a

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2 condition of making Google Mobile
3 Services apps available under the MADA,
4 that OEMs take Android Market if they
5 wanted access to any other GMS apps.
6 Right?

7 MS. CURRAN-HUBERTY: Object to
8 form.

9 A. Android Market was part of the
10 Google Mobile Services core application
11 suite that was -- if it -- there were
12 certain apps that were optional in the
13 suite, potentially, but over time. But
14 there was a core set of apps that if the
15 partner wanted to distribute any one of
16 those, they would have to take the rest.

17 And they were integrated. You
18 know, the way, if you shipped Google
19 Maps, the way that we would update Google
20 Maps and provide security updates or
21 feature updates was through Android
22 Market, were they placed, or. So if that
23 wasn't included, there was no way to
24 update that app.

25 So it was, the short version

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2 is yes, that was part of the GMS core app
3 suite.

4 Q. In other words, Android Market
5 was one of the mandatory apps under the
6 MADA?

7 A. Yes.

8 Q. You can set that aside.

9 MR. BENEDICT: I'm going to
10 mark our next exhibit. This will
11 be Plaintiffs' Exhibit 875. It's
12 an email chain beginning with an
13 email from Chris Barton to you,
14 copying others, dated June 23,
15 2010. With the Bates 280595.

16 (Exhibit PX 875 for
17 identification, email dated June
18 23, 2010.)

19 BY MR. BENEDICT:

20 Q. Do you see that?

21 A. I do.

22 Q. And who is Mr. Barton?

23 A. I believe we talked about
24 Chris Barton earlier. He was a sales or
25 business development person in the, I